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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION  
18

19 DANA GOLD, TAMMY EMERY, EDWIN  
MENDEZ, CHRISTOPHER MASSARO,  
20 RUSSELL DORNON, LAURA NORRIS, JOHN  
FOSTER, DONALD FURSMAN, and JOHN  
21 TRIANA, on behalf of themselves and all others  
similarly situated,

22  
23 Plaintiffs,

24 v.

25 LUMBER LIQUIDATORS, INC., a Delaware  
corporation; and DOES 1 through 200, inclusive,

26 Defendant.  
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Case No. CV14-05373-TEH

**CLASS ACTION**

**STIPULATION EXTENDING  
TIME TO RESPOND TO  
SECOND AMENDED  
COMPLAINT**

Judge: The Honorable Thelton E.  
Henderson

1 Plaintiffs Dana Gold, Tammy Emery, Edwin Mendez, Christopher Massaro, Russell  
2 Dornan, Laura Norris, John Foster, Donald Fursman, and John Triana (“Plaintiffs”), on behalf of  
3 themselves and all others similarly situated, and Defendant LUMBER LIQUIDATORS, INC.  
4 (“Defendant”), through their undersigned counsel, hereby stipulate as follows pursuant to L.R. 6-  
5 1(a):

6 WHEREAS, on December 16, 2015, Plaintiffs filed the Second Amended Complaint;

7 WHEREAS, the period during which Defendant has to respond to the SAC covers two  
8 significant holidays;

9 WHEREAS, the parties are also discussing next steps in the litigation, such as a discovery  
10 schedule, and jointly believe that, in the interest of the Court’s and parties’ efficiency,  
11 Defendant’s deadline to respond to the SAC should be extended;

12 WHEREAS, the parties jointly agree that Defendant’s deadline to respond shall be  
13 extended to January 25, 2016;

14 THE PARTIES HEREBY STIPULATE that:

15 1. Defendant shall have until January 25, 2016, to respond to Plaintiffs’ Second  
16 Amended Complaint.

17 2. Plaintiffs intend to file either an Amendment to the Second Amended Complaint,  
18 or a Third Amended Complaint, on or before January 22, 2016, which shall dismiss the pending  
19 claims of Russel Dornan and John Foster (the Ohio class representatives), and remove language  
20 the Court has decided constitutes “ puffery” pursuant to the Court’s Order Granting in Part and  
21 Denying in Part Defendant’s Motion to Dismiss; Denying Defendant’s Motion to Strike; Denying  
22 Defendant’s Request for Judicial Notice, filed November 30, 2015.

23 3. Defendant agrees to not oppose the filing of either an Third Amended Complaint  
24 or Amendment to the Second Amended Complaint.

25 4. Defendant agrees that in exchange for the actions set forth in paragraph 2 above,  
26 Defendant will answer either the Second Amended Complaint as amended, or the Third Amended  
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1 Complaint. The deadline for Defendant's answer to such an amended pleading will be either  
2 January 25, 2016, or 14 days after the amended pleading, whichever is later.

3 Dated: December 31, 2015

MORRISON & FOERSTER LLP

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5 By: /s/ Kimberly R. Gosling

6 KIMBERLY R. GOSLING

7 Attorneys for Defendant LUMBER  
LIQUIDATORS, INC.

8  
9 Dated: December 31, 2015

RAM, OLSON, CEREGHINO &  
KOPCZYNSKI LLP

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11 By: /s/ Jeffrey B. Cereghino

12 JEFFREY B. CEREGHINO

13 Attorneys for Plaintiffs DANA GOLD,  
14 TAMMY EMERY, EDWIN MENDEZ,  
and CHRISTOPHER MASSARO

15  
16 **ORDER**

17 Pursuant to the foregoing stipulation, **IT IS SO ORDERED.**

18  
19 Dated: 1/06/2016

  
20 The Honorable Thelton E. Henderson  
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**ECF ATTESTATION**

I, Kimberly R. Gosling, am the ECF User whose ID and password are being used to file the following: **STIPULATION EXTENDING TIME TO RESPOND TO SECOND AMENDED COMPLAINT**. In compliance with Local Rule 5-1, I hereby attest that Jeffrey B. Cereghino has concurred in this filing.

Dated: December 31, 2015

By: /s/ Kimberly R. Gosling  
KIMBERLY R. GOSLING